THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.24145 OF 2001

Date: 23rd October 2006

Between:
M/s. Eswar Service Station, Retail Outlet
Dealer of Indian Oil Corporation, Ravipadu
Village, Narasaraopet, Guntur district,
Represented by its Managing Partner: Sk.Dada,
Son of Meera Saheb, 70 years, resident of
Ravipadu village, Narasaraopet Mandal,
Guntur District.

…. Petitioner.

And

1. The Joint Collector, Guntur and another.

…. Respondents.

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ORDER:

This writ petition is filed seeking a writ of Mandamus declaring proceedings dated 28.3.2001 issued by the first respondent in E.C. Case No.151/93-S7, as arbitrary and illegal; and further to direct the respondents to give an opportunity to the petitioner to send the second sample of H.S.D. oil to analyst seized from the tank on 30.9.1993.

2. While admitting the writ petition, the only interim order passed is that there shall be stay of confiscation of goods in the meanwhile. This order was passed on 23.11.2001. Now, it is more than five years. What happened to the enquiry in the meanwhile is not known. I am of the opinion that even if the writ petition is allowed at this stage, no purpose could be served by permitting the petitioner to send second

sample of H.S.D. oil seized from him on 30.9.1993 to the analyst. Therefore, I am of the opinion that the writ petition has become infructuous due to efflux of time.

3. The writ petition is accordingly dismissed as infructuous. However, this will not preclude the authorities from taking appropriate action as per law including confiscation of the goods. No costs.

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C.V.RAMULU, J.

Date: 23rd October 2006.
BSB